

Bill 6 (2018)

Additional Testimony

# Speaker Registration/Testimony

Name John Gottlieb  
 Phone 808-384-0210  
 Email view1photo@gmail.com  
 Meeting Date 04-18-2018  
 Council/PH Committee Budget  
 Agenda Item Bill 6 - Mobile Kiosks  
 Your position on the matter Support  
 Representing Self  
 Organization  
 Do you wish to speak at the hearing? Yes

Good morning Budget Committee Chairperson, Committee Members, and City Council Members,

My name is John Gottlieb and I am here today to speak in support of the passage of Bill 6 - relating to 'Mobile Kiosks'.

Bill 6 is a much needed legislative measure to get 'for profit' mobile kiosks off of our streets, or more specifically the public sidewalks.

These kiosks are: (1) a safety hazard on our public sidewalks, streets, and publically-designated right-of-ways; (2) utilizing public space to operate their 'for profit' businesses, relying on a loophole in the City Code that allows kiosks "with wheels" to operate on the sidewalks, HOWEVER, to my knowledge this loophole only allows for non-profit enterprises to do this; (3) significantly hurting the established businesses that they front. Take for example the businesses on Kalakaua Ave in Waikiki that pay tens of thousands of dollars (\$\$\$) per month to be located there, and then a tacky looking mobile kiosk plants itself out front and distracts the customers; and (4) neither paying property taxes nor rent like the stores they front must do.

Most importantly, these mobile kiosks and the aggressive/overbearing sales people profiting from what is essentially 'street hustling' are very annoying, and a real eyesore, to our visitors, the entire visitor industry, and community as a whole.

Please allow me to describe a recent experience I had while discussing the mobile kiosk issue in Waikiki with my adult son....

After discussing with him ALL of the problems that are being created as a result of the massive proliferation of these mobile kiosks in in Waikiki in recent years, he then shared with me an interesting story about his visit to Thailand several years ago.

He explained to me that he would be confronted with so many tour and activity vendors with their advertisements on the streets that he found it extremely difficult to navigate safely while not be 'accosted' by the aggressive sales people.

Well, this turned out to be a total nuisance for him, and actually resulted in him despising the typically 'pleasant experience' of walking down city streets as a new visitor to the area.

Moreover, from those negative encounters on the streets that he had, he then did not wish to purchase ANY tours and activities in those particular communities where street hawking was so prevalent.

Therefore, this type of experience can teach us all here in Honolulu just how much the mobile kiosks and aggressive sales people can and will be, and how they obviously alienate visitors (for purposes of the hawker's own profits).

In any case, as you know, this is a very serious matter in regards to our ability to keep Honolulu's visitor experience pleasant while encouraging enjoyment of the city streets and their surroundings.

We, as a City, have invested heavily for decades in keeping Waikiki attractive and pleasant. Doing this obviously enriches our City's future. And by doing this, new as well as repeat visitors will surely want to come back again and again.

Written  
Testimony

Yet, if the mobile kiosk problems persist, then potential visitors will probably be discouraged from coming back and spending quality time here.

Enabling visitors to enjoy Waikiki is critical for our City's livelihood both now and in the future. A 'positive visitor experience' ultimately supports our important tourism related revenue sources, our critical tax base, and for that matter, our complete financial foundation as tourism continues to be our number ONE industry statewide.

Without the ongoing/sustained strength of the local tourism industry, we will ALL suffer, no question about it.

Myself and others in our community are now asking you to forge ahead firmly in doing what's best for our community here... please do not let the naysayers to this important Bill (6) convince you that their arguments regarding constitutional rights and free speech can somehow over-ride the truly important matters that have been raised by myself as well as many others in the community. They are using those terms loosely and in my opinion recklessly.

Regulations for public safety, implementation of good and fair ethical standards for the ENTIRE community—not just the questionable mobile kiosk salespeople who operate on public sidewalks free of charge—need to be considered and implemented here.

Legitimate business owners such as myself, and so many others in our community, also have constitutional rights including the concept of having 'public safety' prevail on our

streets, period!

Furthermore, other cities in the U.S. have implemented successful regulations to thwart or combat this type of unethical mobile kiosk activity on public sidewalks. Hopefully, we in Honolulu can do the same!

Thank you for your time.

Testimony  
Attachment  
Accept Terms  
and  
Agreement

1



*"The Tour and Trolley People"*

Testimony of Maki Kuroda, President  
E Noa Corporation/Waikiki Trolley & E Noa Tours  
Thursday, April 18, 2018

**In Support of Bill 6 (2018)**  
**Relating to Public Nuisances**

Aloha and Good afternoon, Councilman Ozawa, chair of the Committee on Budget and committee members. My name is Maki Kuroda, I'm the president of E Noa Corporation which owns and operates the Waikiki Trolley and E Noa Tours. I appreciate the opportunity to submit this testimony in strong support of Bill 6 (2018) which would prohibit "rolling kiosks" to promote their services and merchandise rent-free on public sidewalks. This bill helps to eliminate the sidewalk nuisance exceptions that have created physical obstructions and impede pedestrian traffic and public right of way on Waikiki sidewalks.

We believe that the passage of this proposed City & County of Honolulu ordinance will help to eliminate a loophole in the city law that has allowed Waikiki businesses to use wheeled kiosks to operate due to exceptions that elude the current regulations in place. The bill will amend the city's nuisance law to prevent commercial activities on Waikiki sidewalks prohibiting rolling kiosks on the Waikiki's sidewalks by removing the exceptions in public nuisance law 29-16.6 for the district. Waikiki businesses are paying premium rent to get- high volume pedestrian traffic, with these "rolling kiosks" drawing pedestrians away from their brick & mortar businesses and stores, with the current exceptions in the law creating an unfair two-tiered system

Under the current law the City can proceed with enforcement only if a kiosk does not have wheels and isn't mobile. We feel that the passage of Bill 6 would help to preserve access and mobility on Waikiki's crowded sidewalks and address many expressed concerns about unfair competition. This bill serves to resolve this long-standing issue which is a very unique problem for Waikiki, our state's major tourist destination and economic driver. The bill would tighten restrictions against this practice in the city's public nuisance ordinance.

We commend the committee and the Honolulu City Council for its concerted efforts to address this issue and find a prudent and practical solution. Mahalo for the opportunity for us to share our concerns and offer comments on Bill 6 which we strongly urge your consideration for its passage.

Respectfully,

*Maki Kuroda*

Maki Kuroda  
President  
E Noa Corporation /Waikiki Trolley



**HAWAI'I LODGING & TOURISM**  
**ASSOCIATION**

Testimony of

Mufi Hannemann  
President & CEO  
Hawai'i Lodging & Tourism Association

**Committee on Budget**

**Bill 6 (2018)**  
Relating to Public Nuisances

April 18, 2018

Dear Chair Ozawa and members of the committee, mahalo for the opportunity to submit testimony on behalf of the Hawai'i Lodging & Tourism Association, the state's largest private sector visitor industry organization.

The Hawai'i Lodging & Tourism Association—nearly 700 members strong, of which many are located in the Waikiki stretch—supports Bill 6 (2018) which aims to amend Section 29-16.6, Revised Ordinances of Honolulu, to exclude the public nuisance exception of having objects such as rolling kiosks on the sidewalks in the Waikiki Special District.

Over the years there have been notable complaints from local residents, visitors, and the traditional brick-and-mortar businesses in Waikiki regarding the sidewalk kiosks that are circumventing the law. Some of these kiosks make it difficult for the public to walk safely on the sidewalks and also engage in conducting transactions off the beaten paths thereby giving them an unfair advantage over businesses that are paying a premium for rent space in the Waikiki area.

With public safety a major priority objective for HLTA, we support this bill as it seeks to make the walkways and sidewalks less congested and safer for the public. We thank the Honolulu Police Department, and our partner visitor industry organizations and businesses for their collaborative efforts in finding solutions to this issue, and we especially commend Waikiki Councilmember Ozawa for championing this bill. We urge this committee to support this measure.

Mahalo.